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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,468	11/14/2001	Kevin I. Bertness	C382.12-0097	2983
27367	7590	03/15/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			HARVEY, JAMES R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/993,468	Applicant(s) BERTNESS, KEVIN I.	
	Examiner James R. Harvey	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of Non-Compliant Notice

Applicant's comments dated 12-2-05 indicating that Applicant's previous amendment (9-2-05) indicating the claim 9 was amended was in error and that claim 9 has not been amended has been noted. Applicant's comments are seen to resolve the issues from which the Notice of Non-compliance indicated and the Notice of Non-compliance is withdrawn.

Claim Objections

The following claim(s) is/are objected to because of the noted informalities:

In reference to Claim(s) 1, the newly amended recitation "couple the contacts together" is not seen to be supported by applicant's elected species (figure 1), but rather is supported by applicant's Species 2 (figure 2) as disclosed on page 6 (line 5) of applicant's specification wherein applicant discloses "The coupling occurs during the formation of the Kelvin connector 200 wherein insulator 104 flows around grooves 202 and subsequently solidifies to form a strong mechanical bond with contacts 102." For purposes of examination, it is assumed that the language of "coupling" is intended to interpreted within the broader sense that the contacts are not actually together, but are separated by a distance and are electrically coupled together by virtue of the intended use of the post being to electrically connect each of the first and second contact.

In reference to Claim(s) 1, it is not clear if the recitation (last line) requires applicant's invention to include the battery and the associated battery post or if the claimed structure is only intended to be used for a battery post. For purposes of examination, it is assumed that the

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language is intended to mean the latter. An examination based on the merits, as best understood, is addressed below.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**** Claim(s) 1,3,4 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosa (3796124).**

In reference to Claim(s) 1, Crosa shows (figure 2, 3 and 6)

a first 2 (top) contact having a surface 11 which at least partially

conforms to and is adapted to engage and electrically

connect to a surface of the post;

a second contact 2 (bottom) having a surface which at least partially

conforms to and is adapted to engage and electrically

connect to the surface of the post; and

an electrical insulator (18, 19) between the first contact and the

second contact to couple the contacts together and to

align the surface of the first contact and the surface

of the second contact against the surface of the post

and thereby form Kelvin connection to the post,

wherein the first contacts the second contact and the insulator form a closed loop that encircles the post.

However, Crosa is silent as to the actual material of the electrical insulator (18, 19) or the material of the contacts.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose for the material of structure (18, 19), to be an electrical insulator, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416 (CCPA 1960).

One skilled in the art would have been motivated to use an electrical insulator to prevent the contacts of Crosa forming a corrosive bond and thus making it easier to take the assembly of Crosa apart.

Alternatively, if applicant's claim language is claiming the structure of the battery and the associated battery post, Crosa does not show the post is a battery post.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamping system of Crosa with a battery post instead of the post 12 as shown by Crosa.

One skilled in the art would have been motivated to use Crosa's clamping system with a battery post in order for the invention of Crosa to be able to gain a share of the market associated clamping battery posts.

In reference to Claim(s) 2, it has been canceled.

In reference to Claim(s) 3, Crosa shows the first contact and the second contact oppose each other.

In reference to Claim(s) 4, Crosa shows (figure 3) an insulator support portion 13 which is can be embedded within the electrical insulator; and a post grasping portion 10 (figure 2) on which the surface 11 of the first contact resides.

However, Crosa does not discuss that the insulating support portion is embedded within the electrical insulator (18,19).

Crosa shows (figure 3) the support portion 13 extends beyond the bottom surface of the first and second contact when placed upon the electrical insulator would dig through the upper surface of the insulator and embed itself within the insulator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to puncture the surface of the insulator with the support portion 13 to embed the insulator support portion 13 into the electrical insulator in order to prevent the first and second contacts from rotating about the axis of the post and possibly scratching through and damaging the outer surface of the post when the contact assembly is used within environments that are exposed to vibration.

One skilled in the art would have been motivated to embed support portion 13 into the insulator in order to gain a share of the market of clamping systems used in areas of vibration.

In reference to Claim(s) 5-8, they are withdrawn.

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In reference to Claim(s) 9, Crosa shows (figure 3) a first connection bar 13 (top) integral with the first contact and a second connection bar 13 (bottom) integral with the second contact.

In reference to Claim(s) 10, Crosa shows substantially the invention as claimed.

However, Crosa does not mention that the contacts are conductive sheet metal.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material as conductive sheet metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to choose conductive sheet metal because it would be more ecstasically pleasing and make it easier to solder the wire conductor to the metal.

In reference to claim 11, Crosa Shows substantially the invention as claimed.

However, Crosa does not show the first electrical contact and the second electrical contact are copper pieces with solder plating.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material as copper with solder plating, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to choose a material of copper and

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solder plating because it would be more ecstastically pleasing and make it easier to solder the wire conductor to the metal.

It is noted that the above rejection was used with the previous reference in the previous rejection.

In reference to claim 12, Crosa shows substantially the invention as claimed.

However, Crosa does not show the insulator comprises plastic.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material as plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to choose the insulator as plastic because it easily conforms to most desired shapes.

It is noted that the above rejection was used with the previous reference in the previous rejection.

In reference to claim 13, Crosa shows substantially the invention as claimed.

However, Crosa does not show the insulator comprises a composite material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material a composite material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to use a composite material because

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composite materials are easier to keep clean than other insulators and would be more ecstastically pleasing after years of service.

It is noted that the above rejection was used with the previous reference in the previous rejection.

Response to Arguments

-- Applicant's arguments filed in response to the previous office action have been considered, but they are moot in view of the new grounds of rejection.

Conclusion

- This application contains claims 5-8 and 14-20 drawn to an invention nonelected in Papers number 6. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
- Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

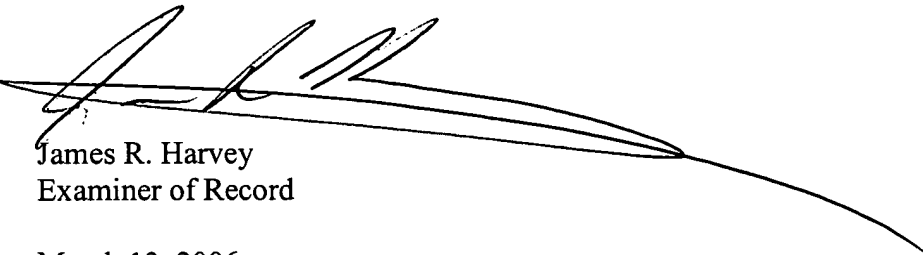
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 (ext. 33). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Harvey
Examiner of Record

March 13, 2006